

779. Misbranding of Arnold Garlic Tablets. U. S. v. 56 Packages and 60 Packages of Arnold Garlic Tablets. Default decree of condemnation and destruction. (F. D. C. No. 7352. Sample No. 87955-E.)

On April 16, 1942, the United States attorney for the Southern District of West Virginia filed a libel against the above-named product at Bluefield, W. Va., alleging that it had been shipped in interstate commerce on or about January 21, 1942, by Melrose Drug Co. from Cleveland, Ohio; and charging that it was misbranded.

Analysis showed that the article consisted essentially of starch and garlic.

The article was alleged to be misbranded in that the statement on the carton, "May be of Value in Reduction of Hyper-Tension," was false and misleading since it contained no ingredients which would be of value in the reduction of hypertension.

On June 16, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

780. Misbranding of Davis Formula No. 7895. U. S. v. 16 Packages and 10 Packages of Davis Formula No. 7895. Default decrees of condemnation and destruction. (F. D. C. Nos. 7341, 7962. Sample Nos. 23097-E, 95346-E.)

On April 21 and July 25, 1942, the United States attorney for the Northern District of California filed libels against 26 packages of Davis Formula No. 7895 at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about December 17, 1941, and June 23, 1942, by E. R. Davis Prescription Co. from Bellingham, Wash.; and charging that it was misbranded.

Examination showed that each package of the article contained a small bottle of a solution of vitamin A and a larger bottle of the formula. Analysis of the formula showed that it consisted essentially of water, alcohol, potassium iodide, chloroform, sugar, and an extract of a plant drug such as lobelia.

The article was alleged to be misbranded in that representations in the labeling that it constituted an adequate treatment for asthma, hay fever, eczema, or rheumatic, neuritic or arthritic pains, were false and misleading since it would not be efficacious for such purposes.

On June 18 and December 24, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

781. Misbranding of Eff-Remin Dentifrice. U. S. v. 34 Packages and 11 Packages of Eff-Remin Dentifrice. Default decree of condemnation and destruction. (F. D. C. No. 7455. Sample No. 98285-E.)

On May 4, 1942, the United States attorney for the District of Massachusetts filed a libel against 34 packages, each containing 150 grams and 11 packages, each containing 300 grams of Eff-Remin Dentifrice at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about April 22, 1942, by Goodrich & Love from New York, N. Y.; and charging that it was misbranded.

Analysis of a sample of the article showed that it consisted essentially of tartaric acid and salt and compounds of calcium, magnesium, and sodium including carbonates and sulfates, flavored with volatile oils and sweetened with saccharin.

The article was alleged to be misbranded in that the statements in the labeling (tin container) "Rub powder directly on gum margins or place some powder on thin layer of moist cotton wool and apply to affected areas," and (circular) "'Eff-Remin' Dentifrice is an effervescent remineralizing powder. It is of value in reducing sensitivity, for controlling decalcification due to erosion or dental caries, for 'soft' teeth * * * apply to affected areas," were false and misleading since they represented and suggested that when applied to affected areas, it would be of value in reducing sensitivity, in controlling decalcification due to erosion or dental caries, and for "soft" teeth; whereas when applied to affected areas it was of no value for such purposes.

It was also alleged to be misbranded in violation of the provisions of the law applicable to cosmetics, as reported in Notices of Judgment on Cosmetics.

On June 15, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

782. Misbranding of Pitcher's Castoria. U. S. v. 132 Bottles of Pitcher's Castoria. Default decree of condemnation and destruction. (F. D. C. No. 6525. Sample No. 75662-E.)

On December 18, 1941, the United States attorney for the District of Rhode Island filed a libel against 132 bottles of Pitcher's Castoria at Providence,

R. I., alleging that the article had been shipped in interstate commerce on or about November 10, 1941, by Roma Extract Co., Inc., from Boston, Mass.; and charging that it was misbranded.

Analysis of a sample of the article showed that it consisted essentially of extracts of plant drugs including senna, Rochelle salt (approximately 0.28 percent), sodium bicarbonate (2.5 percent), santolin (0.027 percent), flavoring materials (including methyl salicylate), sugar, and water. Examination showed that the carton containing the bottle was approximately 1½ inches taller than the bottle.

The article was alleged to be misbranded: (1) In that the statements on the retail carton and on the carton containing 1 dozen retail packages, "A Reliable Remedy for * * * Diarrhea due to Constipation, Worms, and Promotes Sleep by Overcoming these Disorders," were false and misleading since they created the impression that it was a reliable remedy for diarrhea due to constipation and worms, and would promote sleep by overcoming diarrhea due to constipation and worms; whereas it would not be efficacious for such purposes. (2) In that the names of its active ingredients did not appear on the label in such terms as to render them likely to be understood by the ordinary individual under customary conditions of purchase and use since the statement on the cartons, "Formula Alex. Senna, Pumpkin Seed, Anise Seed, Peppermint, Sod, Bicarbonate, Rochelle Salt, Worm Seed, Clarified Sugar, Wintergreen Flavor," did not reveal which of the substances mentioned were active ingredients. (3) In that its label failed to bear the common or usual name of each active ingredient since the label attached to the bottle did not contain the names of the active ingredients. (4) In that its container was so made and filled as to be misleading since the carton was materially larger than necessary to hold the bottle.

On April 22, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

783. Misbranding of Re-Duce-Oids Capsules. U. S. v. 53 Bottles of Re-Duce-Oids Capsules. Default decree of condemnation and destruction. (F. D. C. No. 5198. Sample No. 61308-E.)

On August 2, 1941, the United States attorney for the Eastern District of Washington filed a libel against 53 bottles of Re-Duce-Oids Capsules at Spokane, Wash., alleging that the article had been shipped in interstate commerce within the period from on or about April 7 to on or about June 9, 1941, by American Medicinal Products, Inc., from Los Angeles, Calif.; and charging that it was misbranded.

Analysis showed that the article was essentially a mixture of thyroid, potassium iodide, phenolphthalein, and milk sugar. Each capsule contained 0.92 grain of potassium iodide and 0.5 grain of thyroid.

The article was alleged to be misbranded in that the statements in the labeling which represented and suggested that it was an adequate and appropriate treatment for obesity were false and misleading, since it would not be efficacious for that purpose when used in accordance with the directions.

On September 11, 1941, the American Medicinal Products Co., claimant, having petitioned for a change of venue, an order was entered by the court transferring the action to the Northern District of California; and on September 18, 1941, the marshal was ordered to transmit the seized goods to that district. On July 13, 1942, the claimant having withdrawn its claim and answer, judgment of condemnation was entered and the product was ordered destroyed.

784. Misbranding of Special Formula 833. U. S. v. 130 Bottles of Special Formula 833. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 5956. Sample No. 51636-E.)

On October 4, 1941, the United States attorney for the District of Connecticut filed a libel against 130 bottles of Special Formula 833 at East Hampton, Conn., alleging that the article had been shipped in interstate commerce on or about June 13, 1941, by Brewer & Co., Inc., from Worcester, Mass.; and charging that it was misbranded.

Biological examination of a sample of the article showed that it contained approximately 1 milligram (333 International Units) of vitamin B₁ (thiamine chloride) per tablet.

It was alleged to be misbranded in that the following statements in the labeling were false and misleading since it would not constitute an adequate or effective treatment for the conditions mentioned nor would it be of especial value for